

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 9-13, 15-22, and 24-33 are presently active in this case. Claims 13, 15, 16, 19, 20, 22, 24-26, 31, and 32 have been allowed.

Claims 9-12, 17, 18, 21, 29, and 30 have been withdrawn from consideration. The Official Action sets forth an Election of Species requirement, where Claims 9-12, 17, 18, 21, 29, and 30 were identified as a newly submitted species drawn to a shutter fitted within the developer outlet. The Official Action indicated that the originally presented species were drawn to a shutter provided completely outside the mouth member. However, the Applicants note that many of the originally presented claims covered both of these species, and therefore multiple searches should have been conducted that covered both species. Accordingly, the Applicants traverse the Election of Species requirement based on MPEP § 803, which states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, the Applicants respectfully traverse the Election of Species requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, since a search of both species has already been conducted. Therefore, it is respectfully requested that the Election of Species requirement be withdrawn, and that a full examination on the merits of all of the claims be conducted.

In the outstanding Official Action, Claims 27, 28, and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Patent No. 5,150,162). For the reasons discussed below, the Applicants request the withdrawal of the anticipation rejection.

In the Office Action, the Saito reference is indicated as anticipating each of Claims 27, 28, and 33. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Saito reference clearly does not meet each and every limitation of independent Claims 27, 28, and 33.

Claims 27 and 28 of the present application advantageously recite a developer container comprising a shutter including a shutter member for closing a developer outlet when the shutter member is fitted to the developer outlet, wherein all components of the shutter are provided completely outside of the mouth member. The Applicants respectfully request the withdrawal of the rejection of Claims 27 and 28 based on the Saito reference, since the Saito reference does not disclose such features.

The Official Action cites a packing (85) of the Saito reference for the teaching of the shutter member of the present application. The Official Action also asserts that all of the components of the shutter are provided completely outside of the mouth member (84). Assuming for the sake of argument that the packing (85) is the shutter member of Claims 27 and 28, the Applicants submit that the packing (85) alone is not and cannot act as the shutter of Claims 27 and 28. By itself, the packing (85) cannot act as a shutter and close the developer outlet. The packing (85) of the Saito reference includes various other components

that allow the packing to function. As is evident from a review of Figure 10A, the screw (83) is an integral part of the shutter capacity. The screw (83) supports a packing (85) that seals off the outlet of the tube (82) by sealing off the end of the sleeve (84). Without the screw (83), the packing (85) clearly could not function as a shutter member and the Saito reference would not include a "shutter."

As is evident from the figures of the Saito reference, the screw (83) is provided within the lower portion of the toner hopper (81) and extends through the center of the tube (82). Accordingly, the Saito reference does not disclose *a shutter* including a shutter member for closing a developer outlet when the shutter member is fitted to the developer outlet, *wherein all components of the shutter are provided completely outside of the mouth member*, as recited in Claims 27 and 28 of the present application. Without the screw (83) provided in the hopper (81) of the Saito reference, the device described therein would not comprise a "shutter" as claimed.

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 27 and 28 of the present application.

Claim 33 advantageously recites a developer container comprising, among other features, a storing member, a mouth member having a developer outlet, and a shutter member for closing the developer outlet when the shutter member is fitted to the developer outlet. A developer inlet to the mouth member is formed in the direction of gravity, and the developer outlet is formed at an angle to the direction of gravity. The Applicants respectfully request the withdrawal of the rejection of Claim 33 based on the Saito reference, since the Saito reference does not disclose such features.

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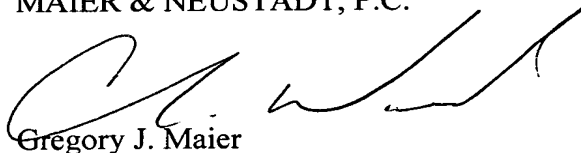
The Official Action cites a flexible sheet (95) depicted in Figures 11 and 12 as the shutter member of Claim 33. The Official Action indicates that flexible sheet (95) is capable of closing the outlet of sleeve (84), which is being cited as the developer outlet since it is formed at an angle to the direction of gravity. However, the Applicants note that the flexible sheet (95) is not *a shutter member for closing the developer outlet when the shutter member is fitted to the developer outlet*. The flexible sheet (95) of the Saito et al. reference cannot in any manner be fitted to the outlet of sleeve (84), as recited in Claim 33. Thus, the Saito et al. reference does not disclose all of the express limitations recited in Claim 33 of the present application.

Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 33 of the present application.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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